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TRENT WEST

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

C&C JEWELRY MANUFACTURING, INC.,
a California corporation,

Plaintiff and Counter-Defendant,

v.

TRENT WEST, a Delaware corporation,

Defendant and Counter-claimant.

Case No. 5:09-cv-01303-JF-HRL

**STIPULATION TO AMEND PLAINTIFF
C&C JEWELRY MFG., INC.'S PATENT
L.R. 3-3 INVALIDITY CONTENTIONS**

Declaratory Judgment Plaintiff, C&C Jewelry Manufacturing, Inc. (“C&C”) and Defendant Trent West (“West”), by and through their undersigned counsel of record, have agreed and stipulated to an amendment of C&C’s Patent L.R. 3-3 Invalidity Contentions under Patent L.R. 3-6. C&C recently discovered a prior art reference—U.S. Patent No. 2,126,737—that C&C asserts is material to the patentability of the patents asserted in this case. (By entering into this stipulation, West does not admit to the materiality of the 2,126,737 patent.) The prior art reference was dated from 1935 and therefore was not available in searchable text on the USPTO website. As a result, despite numerous searches, search professionals engaged by C&C were unable to, and did not, find this patent. C&C advised West of its recent discovery of this prior art reference, and by and through this stipulation, West agrees that C&C should be permitted to amend its contentions to add contentions related to this prior art reference. Furthermore, based upon the relatively early stage of this litigation, C&C and West agree that this amendment will cause no undue prejudice to West.

Accordingly, C&C and West respectfully request that the Court issue an Order, for good cause shown, permitting C&C to amend its Invalidity Contentions in the manner requested above.

Respectfully stipulated to by:

DURIE TANGRI LLP

KING & KELLEHER, LLP

By: /s/ Ryan M. Kent
Ryan M. Kent

By: /s/ Alvin B. Lindsay
Alvin B. Lindsay

Attorneys for Plaintiff C&C Jewelry Mfg., Inc.

Attorneys for Defendant Trent West

Date: February 3, 2010

Date: February 3, 2010

FILERS ATTESTATION

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Ryan M. Kent, attest that concurrence in the filing of this document has been obtained.

/s/ Ryan M. Kent
Ryan M. Kent

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3 DATED: Feb. 5, 2010



Hon. Jeremy Fogel
United States District Judge
Northern District of California

CERTIFICATE OF SERVICE

I certify that all counsel of record is being served on February 3, 2010 with a copy of this document via the Court's CM/ECF system.

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